

1 **REMARKS**

2 Claims 1, 5, 16, 18 and 20-29 are amended. Claims 41 and 42 are new.
3 Claims 1, 3-16, and 18-42 are pending. In view of the following remarks,
4 Applicant respectfully requests the Office reconsider and withdraw its rejections
5 and forward the application on to issuance.
6

7 **Teleconference with Examiner**

8 Applicant and Examiner Cao conducted a teleconference on December 27,
9 2006. During the teleconference, Applicant and Examiner discussed the
10 references cited by the Office, the Office's position with respect to the subject
11 claims and some claim modifications that would likely receive favorable
12 treatment by the Office.
13

14 **§ 101 Rejections**

15 **Claims 1, 3-16 and 18-27** stand rejected under 35 U.S.C. § 101 as
16 allegedly being directed to non-statutory subject matter. Specifically, the Office
17 argues that these claims are not directed to a practical application. The Office
18 then states that a "[p]ractical application can be provided by a physical
19 transformation or a useful, concrete and tangible result as evidence of it being a
20 practical application."

21 Applicant is confused as to the substance of this rejection because the
22 claims and specification are replete with descriptions of useful, concrete and
23 tangible results. In this regard, the Office is directed to the subject matter recited
24 in the subject claims themselves. By way of example and not limitation, claim 1
25 recites "an application configured to handle requests submitted by remote devices

1 over a network” and “an application program interface to present functions used
2 by the application to access network and computing resources of the distributed
3 computing system...” In addition, and also by way of example and not
4 limitation, the Office is directed to page 13 (line 6) through page 14 (line 17) of
5 the specification which describes useful, concrete and tangible results associated
6 with the claimed subject matter.

7 Applicant reminds the Office that it has the burden of setting forth a *prima*
8 *facie* case of unpatentability. (see MPEP 2106 (IV)(C)). In view of the above
9 discussion, the Office has not met this burden because it has failed to show that
10 these claims present non-statutory subject matter under 35 U.S.C. § 101.
11 Accordingly, for at least this reason, these claims are allowable.

12 **Claims 1, 3-4, 16 and 18-27** also stand rejected under 35 U.S.C. § 101
13 because they allegedly “fail to include any physical articles or objects, and the
14 ‘network platform’ in claims 16, 18-27 is software platform (see specification,
15 page 5, lines 10-15).”

16 Applicant disagrees with the Office and submits that the proper test for
17 whether claimed subject matter is statutory is not limited to whether it transforms
18 an article or physical object. Instead, claimed subject matter is also statutory if it
19 “otherwise produces a useful, concrete and tangible result.” (MPEP 2106
20 (IV)(C)). In this regard, the Federal Circuit has explained, “[t]hus, the relevant
21 inquiry under § 101 becomes – [i]s the idea being applied to achieve a useful
22 end? (AT&T Corp. v. Excel Communications, Inc., 172 F.3d 1352, 1357 (1999)).
23 “If so, then the § 101 threshold is satisfied.” (Id.) As noted above, the subject
24 claims and specification are replete with descriptions of useful, concrete and
25 tangible results which achieve a useful end.

1 In addition, and as an aside, the excerpt of the subject application cited by
2 the Office specifically states: “[t]he .NET™ platform is a software platform for
3 Web services and Web applications implemented in the distributed computing
4 environment.” As such, the Office’s rejection does not appear to be relevant to
5 these claims.

6 Accordingly, the Office’s rejection is misplaced and the Office has not met
7 its burden of showing that these claims do not recite statutory subject matter
8 under § 101. Therefore, for at least this reason, these claims are allowable.

9 **Claims 5-14** stand rejected under 35 U.S.C. § 101 because the application
10 programming interface is allegedly “an abstract idea that is not tied to a
11 technological art, environment, or machine which would result in a practical
12 application producing a concrete, useful, tangible result to form the basis of a
13 statutory matter under 35 U.S.C. § 101.”

14 Applicant disagrees with the Office and submits that, as noted above, the
15 subject claims and specification are replete with descriptions of concrete, useful,
16 tangible results. By way of example and not limitation, claim 5 recites “[a]n
17 application program interface embodied on one or more computer readable,
18 comprising: multiple types related to constructing user interfaces...” In addition,
19 and also by way of example and not limitation, the Office is directed to page 13
20 (line 6) through page 14 (line 17) of the specification which describes useful,
21 concrete and tangible results associated with the claimed subject matter.

22 Accordingly, the Office’s rejection is misplaced and the Office has not met
23 its burden of showing that these claims do not recite statutory subject matter
24 under § 101. Therefore, for at least this reason, these claims are allowable.
25

1 **Claims 5-14** also stand rejected under 35 U.S.C. § 101 because “the
2 computer readable media, as defined by the specification includes communication
3 media, such as data signal or carrier wave.”

4 Applicant is confused as to which particular portion of the subject
5 application the Office is referring to with respect to this rejection. Accordingly,
6 Applicant respectfully requests that the Office specify which page and line
7 number(s) it is relying on. Nevertheless, in the interest of advancing the
8 prosecution of this matter, Applicant has amended claim 5 to recite “[a]n
9 application program interface embodied on one or more tangible computer
10 readable media...” Accordingly, for at least this reason, these claims are
11 allowable.

12 13 **§ 103 Rejections**

14 Claims 1, 3-16, 18-40 stand rejected under 35 U.S.C. § 103(a) over a
15 publication by Cohn et al. (hereinafter “Cohn”) in view of a publication by
16 Flanagan (hereinafter “Flanagan”) and further in view of a publication by
17 Microsoft (hereinafter “Microsoft”).

18 19 **The Claims**

20 **Claim 1**, as amended, recites a software architecture for a distributed
21 computing system comprising [added language in bold italics]:

- 22
- 23 • an application configured to handle requests submitted by remote
24 devices over a network; and
 - 25 • an application program interface to present functions used by the
 application to access network and computing resources of the
 distributed computing system, *wherein calls to the application*

1 *program interface are handed to a common language runtime*
2 *layer that can translate Web applications written in different*
3 *languages into an intermediate supported language*, the
 application program interface comprising various types related to
 constructing user interfaces.

4
5 In making out the rejection of this claim, the Office relies on the
6 teachings of Cohn and Flanagan and argues it would have been obvious to
7 integrate the teachings of these references. The Office then relies on Microsoft
8 as disclosing "delegates" and argues it would have been obvious to integrate
9 the teachings of Cohn and Flanagan with Microsoft.

10 Applicant respectfully disagrees with the Office's argument.
11 Nevertheless, in the interest of advancing the prosecution of this claim,
12 Applicant has amended this claim to clarify that "calls to the application
13 program interface are handed to a common language runtime layer that can
14 translate Web applications written in different languages into an intermediate
15 supported language". Support for this amendment can be found in the
16 specification on page 10, line 2 through page 11, line 12 (among other places).

17 Neither Cohn nor Flanagan disclose or suggest any such feature.
18 Hence, for at least this reason, this claim is allowable.

19 **Claims 3-4 and 41** depend from claim 1 and are allowable as depending
20 from an allowable base claim. These claims are also allowable for their own
21 recited features which, in combination with those recited in claim 1, are neither
22 disclosed nor suggested in the references of record, either singly or in
23 combination with one another.

24 **Claim 5**, as amended [added language in bold italics], recites an
25 application program interface embodied on one or more *tangible* computer

1 readable media, comprising: multiple types related to constructing user interfaces,
2 the types comprising classes which represent managed heap allocated data that
3 has reference assignment semantics, interfaces that define a contract that other
4 types can implement, delegates that are object oriented function pointers,
5 structures that represent static allocated data that has value assignment semantics
6 and enumerations which are value types that represent named constants, *wherein*
7 *the application program interface is associated with a common language*
8 *runtime layer that can translate Web applications written in different*
9 *languages into a intermediate language supported by the common runtime*
10 *layer.*

11 In making out the rejection of this claim, the Office relies on the
12 teachings of Cohn and Flanagan and argues it would have been obvious to
13 integrate the teachings of these references. The Office then relies on Microsoft
14 as disclosing "delegates" and argues it would have been obvious to integrate
15 the teachings of Cohn and Flanagan with Microsoft.

16 Applicant respectfully disagrees with the Office's argument.
17 Nevertheless, in the interest of advancing the prosecution of this claim,
18 Applicant has amended this claim to clarify that "the application program
19 interface is associated with a common language runtime layer that can translate
20 Web applications written in different languages into a intermediate language
21 supported by the common runtime layer". Support for this amendment can be
22 found in the specification on page 10, line 2 through page 11, line 12 (among
23 other places).

24 Neither Cohn nor Flanagan disclose or suggest any such feature.
25 Hence, for at least this reason, this claim is allowable.

1 **Claims 6-15** depend from claim 5 and are allowable as depending from an
2 allowable base claim. These claims are also allowable for their own recited
3 features which, in combination with those recited in claim 5, are neither disclosed
4 nor suggested in the references of record, either singly or in combination with one
5 another.

6 **Claim 16**, as amended, recites a distributed computer software
7 architecture, comprising [added language in bold italics]:

- 8
- 9 • one or more applications configured to be executed on one or more
10 computing devices, the applications handling requests submitted
11 from remote computing devices;
- 12 • a networking platform to support the one or more applications;
- 13 • an application programming interface to interface the one or more
14 applications with the networking platform, the application
15 programming interface comprising various types related to
16 constructing user interfaces; *and*
- 17 • *a common language runtime layer that can translate Web*
18 *applications written in different languages into an intermediate*
19 *language supported by the common runtime layer.*

20 In making out the rejection of this claim, the Office relies on the
21 teachings of Cohn and Flanagan and argues it would have been obvious to
22 integrate the teachings of these references. The Office then relies on Microsoft
23 as disclosing "delegates" and argues it would have been obvious to integrate
24 the teachings of Cohn and Flanagan with Microsoft.

25 Applicant respectfully disagrees with the Office's argument.
Nevertheless, in the interest of advancing the prosecution of this claim,
Applicant has amended this claim to include "a common language runtime layer
that can translate Web applications written in different languages into an

1 intermediate language supported by the common runtime layer". Support for this
2 amendment can be found in the specification on page 10, line 2 through page
3 11, line 12 (among other places).

4 Neither Cohn nor Flanagan disclose or suggest any such feature.
5 Hence, for at least this reason, this claim is allowable.

6 **Claims 18-27 and 42** depend from claim 16 and are allowable as
7 depending from an allowable base claim. These claims are also allowable for
8 their own recited features which, in combination with those recited in claim 16,
9 are neither disclosed nor suggested in the references of record, either singly or in
10 combination with one another.

11 **Claim 28**, as amended [added language in bold italics], recites a computer
12 system including one or more microprocessors and one or more software
13 programs, the one or more software programs utilizing an application program
14 interface to request services from an operating system, the application program
15 interface including separate commands to request services comprising services
16 related to constructing user interfaces, wherein the application program interface
17 groups API functions into multiple namespaces that define a collection of classes
18 which represent managed heap allocated data that has reference assignment
19 semantics, interfaces that define a contract that other types can implement,
20 delegates that are object oriented function pointers, enumerations which are value
21 types that represent named constants and structures that represent static allocated
22 data that has value assignment semantics, *the application program interface*
23 *being associated with a common language runtime layer that can translate Web*
24 *applications written in different languages into an intermediate language*
25 *supported by the common runtime layer.*

1
2 In making out the rejection of this claim, the Office relies on the
3 teachings of Cohn and Flanagan and argues it would have been obvious to
4 integrate the teachings of these references. The Office then relies on Microsoft
5 as disclosing "delegates" and argues it would have been obvious to integrate
6 the teachings of Cohn and Flanagan with Microsoft.

7 Applicant respectfully disagrees with the Office's argument.
8 Nevertheless, in the interest of advancing the prosecution of this claim,
9 Applicant has amended this claim to include "the application program interface
10 being associated with a common language runtime layer that can translate Web
11 applications written in different languages into an intermediate language
12 supported by the common runtime layer". Support for this amendment can be
13 found in the specification on page 10, line 2 through page 11, line 12 (among
14 other places).

15 Neither Cohn nor Flanagan disclose or suggest any such feature.
16 Hence, for at least this reason, this claim is allowable.

17 **Claim 29**, as amended, recites a method, comprising [added language in
18 bold italics]:

- 19
- 20 • managing network and computing resources for a distributed
computing system; and
 - 21 • exposing a set of functions that enable developers to access the
22 network and computing resources of the distributed computing
23 system, the set of functions comprising functions to facilitate
24 construction of user interfaces, wherein the functions are grouped
25 into multiple namespaces that define a collection of classes which
represent managed heap allocated data that has reference
assignment semantics, interfaces that define a contract that other
types can implement, delegates that are object oriented function

1 pointers, enumerations which are value types that represent named
2 constants and structures that represent static allocated data that has
3 value assignment semantics; *and*

- 4 • *using a common language runtime layer that can translate Web*
5 *applications written in different languages into an intermediate*
6 *language supported by the common runtime layer.*

7 In making out the rejection of this claim, the Office relies on the
8 teachings of Cohn and Flanagan and argues it would have been obvious to
9 integrate the teachings of these references. The Office then relies on Microsoft
10 as disclosing "delegates" and argues it would have been obvious to integrate
11 the teachings of Cohn and Flanagan with Microsoft.

12 Applicant respectfully disagrees with the Office's argument.
13 Nevertheless, in the interest of advancing the prosecution of this claim,
14 Applicant has amended this claim to include "using a common language runtime
15 layer that can translate Web applications written in different languages into an
16 intermediate language supported by the common runtime layer". Support for this
17 amendment can be found in the specification on page 10, line 2 through page
18 11, line 12 (among other places).

19 Neither Cohn nor Flanagan disclose or suggest any such feature.
20 Hence, for at least this reason, this claim is allowable.

21 **Claim 30** depends from claim 29 and is allowable as depending from an
22 allowable base claim. This claim is also allowable for its own recited features
23 which, in combination with those recited in claim 30, are neither disclosed nor
24 suggested in the references of record, either singly or in combination with one
25 another.

1 **Claim 31** recites a method, comprising creating a namespace with
2 functions that enable drawing and construction of user interfaces, the name space
3 defining classes which represent managed heap allocated data that has reference
4 assignment semantics, interfaces that define a contract that other types can
5 implement, delegates that are object oriented function pointers, structures that
6 represent static allocated data that has value assignment semantics, and
7 enumerations which are value types that represent named constants.

8
9 In making out the rejection of this claim, the Office simply indicates
10 "see rejection of claim 5 above."

11 Applicant respectfully disagrees and traverses the Office's rejection.
12 Specifically, Applicant submits that claim 5 does not expressly recite "creating
13 a namespace", as claimed. Accordingly, it remains unclear what teachings of
14 Cohn and/or Flanagan the Office is relying on for disclosing the subject matter
15 of this claim. Nevertheless, Applicant has thoroughly reviewed the references
16 and is unable to find any discussion of this subject matter.

17 Accordingly, in view of the above discussion, the Office has not
18 established a *prima facie* case of obviousness. Hence, for at least these
19 reasons, this claim is allowable.

20 **Claims 32-40** depend from claim 31 and are allowable as depending
21 from an allowable base claim. These claims are also allowable for their own
22 recited features which, in combination with those recited in claim 31, are
23 neither disclosed nor suggested in the references of record, either singly or in
24 combination with one another:
25

1
2 **Conclusion**

3 Applicant respectfully submits that the Office has failed to establish a
4 *prima facie* case of obviousness for the reasons set forth above. Applicant
5 respectfully requests a Notice of Allowability be issued forthwith.
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7

8 Respectfully submitted,

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10 Dated: 2/13/2007

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